

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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S.H. JOHN DOE, et al.,

Plaintiffs,

Case No. 2:17-cv-2380-MMD-PAL

ORDER

(Mot Compel – ECF No. 60)

COUNTY OF CLARK, et al.,

Defendants.

12 Before the court is Plaintiffs' Motion to Compel Las Vegas Metropolitan Police
13 Department's Response to Plaintiffs' Subpoena (ECF No. 60) filed July 9, 2018.

14 This is an action brought by the legal guardians of a minor child under the Federal Adoption
15 Assistance Act and Child Welfare Act alleging thirteen claims for violation of plaintiffs'
16 substantive due process rights. The complaint alleges the minor plaintiff was placed in a group
17 home used exclusively for juvenile sex offenders. At the time he was placed in the group home,
18 he was only ten years old. While he was in the group home, an older "high risk" thirteen-year-old
19 juvenile was assigned to the same bedroom where the plaintiff John Doe was living. The complaint
20 alleges that on February 14, 2017, the older juvenile forced the plaintiff John Doe into the closet
21 of the shared bedroom and forcibly sodomized him.

Plaintiffs served a notice of deposition of the custodian of records for the Las Vegas Metropolitan Police Department on all parties in this case requesting LVMPD to produce “all police reports, records, photos, recordings, statements, or other documents pertaining to the incident that occurred on or about February 14, 2017.”

26 LVMPD was served with the subpoena duces tecum on February 9, 2018. On February
27 21, 2018, LVMPD served an objection to the subpoena asserting that the documents were
28 confidential because they involved an open criminal case. On June 7, 2018, counsel for plaintiff

1 conducted a telephonic meet-and-confer with Charlotte Bible, general counsel for LVMPD who
2 stated that since the requested documents pertained to a criminal matter involving a juvenile, the
3 information could not be released. A follow up meet-and-confer occurred on June 13, 2018, to
4 discuss the subpoena. Ms. Bible confirmed that the criminal case was closed, but advised that an
5 order from the court would be required since the material requested involved a juvenile. Ms. Bible
6 also requested that the documents be subject to a protective order. Plaintiffs do not object to the
7 documents being produced subject to a protective order, but request an order from the court
8 compelling LVMPD to produce documents responsive to the subpoena duces tecum. A proposed
9 form of protective order is attached as Exhibit "6" to the motion.

10 Having reviewed and considered the matter,

11 **IT IS ORDERED** that:

- 12 1. Defendants shall have until **July 23, 2018**, to file a response to the motion.
13 2. Non-Party LVMPD shall have until **July 23, 2018**, to file a response to the motion.
14 3. Plaintiffs shall have until **July 25, 2018** to file a reply.
15 4. A hearing on the motion is set for **9:00 a.m., July 26, 2018**, in Courtroom 3B.

16 DATED this 19th day of July, 2018.

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19 PEGGY A. TEER
20 UNITED STATES MAGISTRATE JUDGE
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